

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY, Individually
and On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

THE BANCORP, INC., DAMIAN M.
KOZLOWSKI, and PAUL FRENKIEL,

Defendants.

No.: 1:25-cv-00326-JLH-LDH

CLASS ACTION

JOINT STIPULATION AND
MOTION CLARIFYING
SCHEDULE

WHEREAS, on March 14, 2025, Plaintiff Nathan Linden filed a putative securities class action complaint against the Bancorp, Inc., Damian M. Kozlowski and Paul Frenkiel (ECF No. 1 or the “Complaint”);

WHEREAS, the Complaint asserted claims arising under the Securities Exchange Act of 1934 and SEC Rule 10b-5 promulgated thereunder, which are governed by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 77z- 1, et seq.;

WHEREAS, on April 9, 2025, the Court entered an Order stating, *inter alia*, that “[w]ithin fourteen (14) days after a Lead Plaintiff is appointed, the Parties will confer and propose to the Court a schedule for the filing of any amended or consolidated complaint and Defendants’ response” (ECF No. 6);

WHEREAS, on September 23, 2025, the Court entered an Order appointing Southeastern Pennsylvania Transportation Authority (or “SEPTA”) as Lead Plaintiff and approving its selection of the Rosen Law Firm, P.A. as lead counsel and Grant & Eisenhofer P.A. as liaison counsel (ECF No. 19);

WHEREAS, on October 7, 2025, the Parties filed the Joint Stipulation and Motion Setting Schedule (the “Schedule”), which proposed a stipulated schedule for the filing of Plaintiff’s amended or consolidated complaint and Defendants’ response (ECF No. 21);

WHEREAS, on October 21, 2025, the Court signed and so-ordered the Schedule (ECF No. 23);

WHEREAS, the Schedule provides that Lead Plaintiff shall file an Amended Complaint within 60 days of this Order; Defendants shall file any motion to dismiss the Amended Complaint within 60 days of the deadline for filing the Amended Complaint; Lead Plaintiff shall file any opposition to Defendants’ motion to dismiss within 60 days of that deadline; and Defendants shall file a reply in support of the motion to dismiss within 45 days of that opposition deadline (ECF No. 23);

WHEREAS, the docket’s text appears inconsistent with the Schedule “(Amended Pleadings due by 12/8/2025., Motion To Dismiss due by 2/6/2026., Answering Brief To Motion To Dismiss due 4/7/2026., Reply To Motion To Dismiss Brief due 5/22/2026.)”;

NOW THEREFORE, the undersigned parties have conferred and wish to clarify that the following deadlines apply to Lead Plaintiffs’ filing of the Amended Complaint and Defendants’ response, consistent with the Schedule (ECF No. 23):

1. Lead Plaintiff shall file an Amended Complaint by December 22, 2025;
2. Defendants shall file any motion to dismiss the Amended Complaint by February 20, 2026;
3. Lead Plaintiff shall file any opposition to Defendants’ motion to dismiss by April 21, 2026;
4. Defendants shall file a reply in support of the motion to dismiss by June 5, 2026.

5. Nothing in this stipulation shall prejudice the right of any party to seek further extensions on the consent of the other parties or the Court.

IT IS SO STIPULATED.

Dated: October 24, 2025

MORGAN, LEWIS & BOCKIUS LLP

/s/ Jody C. Barillare

Jody C. Barillare (Bar No. 5107)
1201 N. Market Street, Suite 2201
Wilmington, DE 19801
Tel: (302) 574-7294
Jody.barillare@morganlewis.com

Emily E. Renshaw (pro hac vice)
One Federal Street
Boston, MA 02110-1726
Tel: (617) 341-7700
Emily.renshaw@morganlewis.com

Michael L. Kichline (pro hac vice)
2222 Market Street
Philadelphia, PA 19103-3007
Tel: (215) 963-5000
Michael.kichline@morganlewis.com

Attorneys for Defendants

GRANT & EISENHOFER P.A.

/s/ Michael J. Barry

Michael J. Barry (Bar No. 4368)
Jeff A. Almeida
123 Justison Street, 7th Floor
Wilmington, DE 19801
Telephone: (302) 622-7122
mbarry@gelaw.com
jalmeida@gelaw.com

*Liaison Counsel for
Lead Plaintiff and the Class*

THE ROSEN LAW FIRM, P.A.

Laurence M. Rosen
Phillip Kim
275 Madison Avenue, 40th Floor
New York, New York 10016
Telephone: (212) 686-1060
lrosen@rosenlegal.com
philkim@rosenlegal.com

Lead Counsel for Lead Plaintiff and the Class

* * *

ORDER

IT IS SO ORDERED.

DATED: _____

Laura Hatcher
United States Magistrate Judge